



General Assembly

Amendment

February Session, 2008

LCO No. 4611

HB0553304611HDO

Offered by:

REP. GODFREY, 110th Dist.

REP. CHRIST, 11th Dist.

To: Subst. House Bill No. 5533

File No. 549

Cal. No. 331

"AN ACT CONCERNING THE SEXUAL ASSAULT OF CHILDREN."

1 In line 21, strike "twelve years of age or younger" and insert the
2 following in lieu thereof: "under thirteen years of age"

3 In line 24, after "54-86g" insert ", as amended by this act,"

4 After the last section, add the following and renumber sections and
5 internal references accordingly:

6 "Sec. 501. Section 54-86g of the general statutes is repealed and the
7 following is substituted in lieu thereof (*Effective July 1, 2008*):

8 (a) In any criminal prosecution of an offense involving assault,
9 sexual assault or abuse of a child [twelve years of age or younger]
10 under thirteen years of age, the court may, upon motion of the
11 attorney for any party, order that the testimony of the child be taken in
12 a room other than the courtroom in the presence and under the
13 supervision of the trial judge hearing the matter and be televised by

14 closed circuit equipment in the courtroom or recorded for later
15 showing before the court. Only the judge, the defendant, the attorneys
16 for the defendant and for the state, persons necessary to operate the
17 equipment and any person who would contribute to the welfare and
18 well-being of the child may be present in the room with the child
19 during [his] the child's testimony, except that the court may order the
20 defendant excluded from the room or screened from the sight and
21 hearing of the child only if the state proves, by clear and convincing
22 evidence, that the child would be so intimidated, or otherwise
23 inhibited, by the physical presence of the defendant that a compelling
24 need exists to take the testimony of the child outside the physical
25 presence of the defendant in order to [insure] ensure the reliability of
26 such testimony. If the defendant is excluded from the room or
27 screened from the sight and hearing of the child, the court shall ensure
28 that the defendant is able to observe and hear the testimony of the
29 child, but that the child cannot see or hear the defendant. The
30 defendant shall be able to consult privately with [his] the defendant's
31 attorney at all times during the taking of the testimony. The attorneys
32 and the judge may question the child. If the court orders the testimony
33 of a child to be taken under this subsection, the child shall not be
34 required to testify in court at the proceeding for which the testimony
35 was taken.

36 (b) In any criminal prosecution of an offense involving assault,
37 sexual assault or abuse of a child [twelve years of age or younger]
38 under thirteen years of age, the court may, upon motion of the
39 attorney for any party, order that the following procedures be used
40 when the testimony of the child is taken: (1) Persons shall be
41 prohibited from entering and leaving the courtroom during the child's
42 testimony; (2) an adult who is known to the child and with whom the
43 child feels comfortable shall be permitted to sit in close proximity to
44 the child during the child's testimony, provided such person shall not
45 obscure the child from the view of the defendant or the trier of fact; (3)
46 the use of anatomically correct dolls by the child shall be permitted;
47 and (4) the attorneys for the defendant and for the state shall question

48 the child while seated at a table positioned in front of the child, shall
49 remain seated while posing objections and shall ask questions and
50 pose objections in a manner which is not intimidating to the child."